

## **Attachment D**

### **COUNCIL POLICY**

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**SUBJECT: Interim Policy Regarding Movement of Street Furniture  
on the 100 Block of South Murphy Avenue**

#### **POLICY PURPOSE:**

The City is committed to the preservation of the historic character of Murphy Avenue as Sunnyvale's Main Street. A major theme or objective of the 2005 Historic Murphy Avenue Design Plan includes promotion of a flexible streetscape that responds to business needs. The flexible plan allows street furniture and certain non-permanent features of the streetscape, to be moved when they are located in the public right-of-way.

The purpose of this policy is to provide guidance on when and how the City will consider requests from business owners/operators to move street furnishings on South Murphy Avenue prior to the Design Plan being implemented. It is also intended to ensure pedestrian access and to promote an attractive commercial environment. These guidelines have been developed specifically for, and are unique to, the public right-of-way on the 100 block of South Murphy Avenue. The policy does not apply to furniture on private property, or to other business establishments located elsewhere in the City.

This policy will be valid during the interim time period between the Murphy Avenue Streetscape Design Plan project approval and completion of the first phase of implementation. Once implementation is complete, this policy will become invalid.

This policy addresses primarily: public benches, planter boxes, trash receptacles, and ash cans.

#### **POLICY STATEMENT:**

##### **A. RELOCATION PERMIT REQUIREMENTS**

###### **Applicable Parties**

Only business owners or operators on S. Murphy Avenue may request removal or relocation of street furniture.

###### **Permits**

The Miscellaneous Plan Permit (MPP) process will regulate the operation of street furniture movement in the public right-of-way. MPP applications must be endorsed by the Downtown Association prior to staff action on the permit. The policy guidelines establish criteria for the review of each application by the Director of Community Development.

## **B. LOCATION**

### Moving Furniture

1. Applicants can request to move street furniture to a suitable new location on S. Murphy Avenue.
2. The applicant must obtain written approval from the neighboring business(es) where the furniture is to be moved.
3. The new location shall not obstruct pedestrian movement or access from any doorway, as determined by the Fire Prevention Division. At least five (5) feet of pedestrian clearance shall be provided on the public sidewalks.
4. The new location shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant.
5. The new location shall be consistent with the 2005 approved design plan for Murphy Avenue.

### Removing Furniture

1. Applicants can request that street furniture be removed from the streetscape entirely if a suitable new location cannot be found. Removal should be consistent with the 2005 approved design plan for Murphy Avenue.

## **C. OPTIONS**

### Public

1. When applicants request street furniture to be moved or removed by City forces, the applicant will bear all the costs and must reimburse the City for all expenses.
2. A deposit for the estimated cost of the action will be required prior to any action by City forces.

### Private

1. Applicants have the ability under this policy to contract with a private party to move the furniture. This will require issuance of an Encroachment Permit in addition to the Relocation Permit. The Director of Public Works shall have review authority over all Encroachment Permits. The requirements for an Encroachment Permit (effective as of 6/12/05) are attached.

**Report to Council No. \_\_\_\_\_.**

**Approved by Council on November 22, 2005.**

**City Clerk Certification \_\_\_\_\_.**